

Appl. No.: 10/036,901
Amdt. dated 12/08/2005
Reply to Office action of June 8, 2005

REMARKS/ARGUMENTS

Applicants respectfully request consideration of the present application in view of the preceding amendments to the claims and the following remarks, which are responsive to the non-final Office Action mailed June 8, 2005. Following the amendment, Independent Claim 1 and Dependent Claims 2-11 and 45-48 remain pending in the application.

Rejection of Claims 1-11 under 35 U.S.C. § 112, first paragraph

On page 2 of the Office Action mailed June 8, 2005, the Examiner rejected Claims 1-11 under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. In particular, the Examiner asserted that the following language added to Claim 1 in response to the Office Action mailed April 7, 2004 constitutes new matter: (1) "without chimes"; and (2) "the friction portion further effective to mix contents of the container and promote heat transfer through the contents of the container when the side wall contacts and rotates against the surface adjacent the side wall without skidding." Although Applicants do not concede that the above language constitutes new matter, Applicants have removed the above language from Claim 1 to expedite processing of the application. Accordingly, Applicants respectfully request that the Examiner withdraw the current rejection of Claims 1-11 under 35 U.S.C. § 112, first paragraph.

Rejection of Claims 1-11 under 35 U.S.C. § 102(b) and/or 103(a)

The Examiner has rejected Claims 1, 3, 5, and 8-11 under 35 U.S.C. § 102(b) as being anticipated by *Huang*. In addition, the Examiner has rejected Claims 2, 4, 6, and 7 under 35 U.S.C. § 103(a) as being obvious in view of *Huang* in combination with various other references (*Boughton*, *Erickson*, *Forrest*, and *Bizzarri*, respectively). These rejections of the claims are addressed below.

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Independent Claim 1

Applicants have amended Independent Claim 1 to specify that "said container is adapted to be moved adjacent a circumferential surface of a rotary-style heater/cooler so that: (A) said at least one friction portion engages said circumferential surface of said rotary-style heater/cooler as said container is moved adjacent said circumferential surface of said rotary-style heater/cooler; and (B) said container is adapted to continuously rotate as said container is moved adjacent said circumferential surface of said rotary-style heater/cooler, due to an engagement between said at least one friction portion and said circumferential surface of said rotary-style heater/cooler." This amendment is supported, for example, by the last full paragraph on Page 9 of the application and the first and second full paragraphs on Page 10 of the application.

Applicants respectfully submit that none of the references cited by the Examiner teach or suggest all of the limitations of Claim 1, as amended. Accordingly, Applicants respectfully request that the current rejection of Claim 1 under 35 U.S.C. § 102(b) be withdrawn.

Dependent Claims 2-11 and 45-48

Dependent Claims 2-11 and 45 – 48 depend from independent Claim 1 and include all of the limitations of Claim 1. Accordingly, for at least the reasons stated above in regard to Claim 1, Applicants respectfully submit that dependent Claims 2-11 and 45 – 48 are also patentable over the cited prior art. Accordingly, Applicants respectfully request that the current rejection of these claims under 35 U.S.C. § 102(b) and/or 35 U.S.C. § 103(a) be withdrawn.

Applicants note that Claims 45-48 have been newly added to the application. Support for new Claims 45-46 may be found, for example, in the second full paragraph of Page 10 of the application. Support for new Claims 47-48 may be found, for example, in the first full paragraph of Page 11 of the application.

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Conclusion

The Applicants appreciate the Examiner's careful consideration of this application and would welcome a telephone conference with the Examiner to expedite the processing of the patent application. Applicants' attorney, Scott Brient, may be reached directly at (404) 881-7728.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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Scott E. Brant 12/08/2005
Scott E. Brant Date